

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 02-0315P**

**Individual Income Tax**

**Calendar Year 2000**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer, in a letter dated March 8, 2002, requests an abatement of the penalty.

Taxpayer filed its return late with a tax balance due of \$4,669 or twenty-nine percent (29%) and remitted the tax, the underpayment of estimated tax penalty, and interest with the return. Taxpayer requests a penalty waiver because the taxpayer had timely filed an extension. The taxpayer enclosed a copy of the federal extension.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer states that it had an extension on file and requests the penalty be waived.

Taxpayer remitted seventy-one percent (71%) of its tax by the due date of the return. An extension to file at a later date is not an extension to make a late payment.

The Department finds the penalty appropriate.

**FINDING**

Taxpayer's protest is denied.